

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF TEXAS  
DALLAS DIVISION

AMJID SHAH,	)	
	)	
Petitioner,	)	
	)	
v.	)	
	)	
CHAD WOLF, <i>Acting Secretary of the</i>	)	
<i>U.S. Department of Homeland Security, et al.,</i>	)	
	)	
Respondents.	)	Civil Action No. 3:20-CV-994-C-BH

**ORDER**

Before the Court are the Findings, Conclusions, and Recommendation of the United States Magistrate Judge therein advising that Petitioner's Verified Petition for Writ of Habeas Corpus Pursuant to 28 U.S.C. § 2241 and Complaint for Declaratory and Injunctive Relief should be denied without prejudice as to Petitioner's claim under *Zadvydas v. Davis*, 533 U.S. 678 (2001), and dismissed without prejudice for lack of jurisdiction as to Petitioner's conditions of confinement claim. The United States Magistrate Judge has further recommended that Petitioner's Emergency Motion for Temporary Restraining Order be denied.<sup>1</sup>

The Court has reviewed the Findings, Conclusions, and Recommendation for clear error and finds none. It is therefore **ORDERED** that the Findings, Conclusions, and Recommendation are hereby **ADOPTED** as the findings and conclusions of the Court. For the reasons stated therein, the Court hereby **ORDERS** that Petitioner's Verified Petition for Writ of Habeas Corpus Pursuant to 28 U.S.C. § 2241 and Complaint for Declaratory and Injunctive Relief be **DENIED**

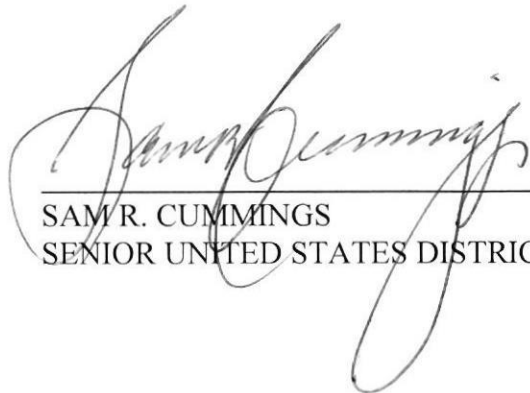
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<sup>1</sup> Petitioner, who is represented by counsel, has failed to file objections to the Magistrate Judge's Findings, Conclusions, and Recommendation and the time to do so has now expired.

without prejudice as to Petitioner's claim under *Zadvydas v. Davis*, 533 U.S. 678 (2001), and **DISMISSED** without prejudice for lack of jurisdiction as to Petitioner's conditions of confinement claim. It is further **ORDERED** that Petitioner's Emergency Motion for Temporary Restraining Order be **DENIED**.

A certificate of appealability is not required for a federal detainee to appeal the denial of relief under 28 U.S.C. § 2241. *See Padilla v. United States*, 416 F. 424, 425 (5th Cir. 2005). If Petitioner files a notice of appeal, he must pay the \$505.00 appellate filing fee or submit a motion to proceed *in forma pauperis* and a properly signed certificate of inmate trust account.

SO ORDERED this 3<sup>rd</sup> day of August, 2020.



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SAM R. CUMMINGS  
SENIOR UNITED STATES DISTRICT JUDGE